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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,706	12/17/2001	Michael G. Harris	772490100015	6249
24325	7590	07/02/2004		
STEPHEN D. SCANLON JONES DAY 901 LAKESIDE AVENUE CLEVELAND, OH 44114			EXAMINER NOLAN, SANDRA M	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 07/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/022,706	HARRIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	eb
	Sandra M. Nolan	1772	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-4,6-15 and 20-50 is/are pending in the application.
- 4a) Of the above claim(s) 24,27 and 29-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-15,20-23,25,26,28 and 41-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8-13-02 + 3-19-04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claims***

1. Claims 1-4, 6-15, 20-50 are pending. Of these, claims 24, 27 and 29-40 have been withdrawn.

### ***Information Disclosure Statement***

2. The information disclosure statements (IDS's) submitted on 13 August 2002 and 19 March 2004 were considered by the examiner.

### ***Withdrawn Rejections***

3. The 35 USC 102 rejection of claims 1-4, 6-15, 20-23, 25-26, 28 and 41-50 as anticipated by Schellenberg et al (EPO 0 707 040 A2), as stated in section 13 of the 19 December 2003 office action, is withdrawn in view of applicants' arguments in the response dated 19 March 2004.
4. The 35 USC 103 rejection of claims 2, 22, 28, 42 and 45 as unpatentable over Schellenberg, as expressed in section 16 of the 19 December 2003 office action, is withdrawn in view of applicants' arguments in the response dated 19 March 2004.
5. The 35 USC 103 rejection of claims 1-4, 6-15, 20-23, 25-26, 28 and 41-50 as unpatentable over Saeda (Disclosure S54-100444 [1979]), as set out in section 17 of the 19 December 2003 office action, is withdrawn in view of applicants' arguments in the response dated 19 March 2004.

***Claim Objections***

6. Claims 1, 20, 23, 26, 41 and 44 are objected to because of the following informalities: they are redundant for reciting the melt blending of melt blends. Appropriate correction is required.

New Rejection

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-15, 20-23, 25-26, 28 and 41-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Wooster et al (US 5,631,069).

Wooster teaches polyethylene (PE) molding materials having densities of 0.923 to 0.95 g/cc (abstract, col. 7, lines 7-10) containing a high density PE (HDPE) component (Component A)) and the low density component (Component B) (col. 7, line 22). The HDPE component contains one or more polymers having a density of 0.94 to 0.96 g/cc (col. 4, lines 40-43). The HDPE component contains homopolymers of ethylene and/or copolymers of same (col. 7, lines 46-48). Component A may contain blends of polymers made by physical blending (col. 7, lines 62-67).

Wooster's Component B makes up 1 to 40 wt% of its compositions (col. 12, lines 48-51) and contains at least one linear ethylene/alpha-olefin interpolymers having a density of 0.85 to 0.92 (col. 12, lines 61-63). It, too may be a blend (col. 13, lines 4-13).

Since (B) is present at 1 to 40%, (A) is present at 50 to 99%.

The molding material is made by melt blending (col. 13, lines 49-60). It may contain one or more polymers that are scrap or recycled "diluent" (col. 14, lines 34-49), with HDPE and LDPE's among the useful diluents (col. 14, lines 44 and 46)

The flow properties recited in various dependent claims would be inherent in the Wooster compositions, in view of the chemical similarities of the resins employed by both applicants and Wooster.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4, 6-15, 20-23, 25-26, 28 and 41-50 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Sandra M. Nolan, whose telephone number is 571/272-1495. She can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.



S. M. Nolan  
Primary Examiner  
Technology Center 1700